

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ELEV8 BALTIMORE, INC., et al.
Plaintiffs,

v.

CORPORATION FOR NATIONAL AND
COMMUNITY SERVICE, *operating as*
AMERICORPS, et al.

Defendants.

Case No. 1:25-cv-01458-MJM

PLAINTIFFS' RESPONSE TO DEFENDANTS' SUPPLEMENTAL STATUS REPORT

Plaintiffs respectfully submit this response to Defendants' supplemental status report in accordance with the Court's Order entered July 11, 2025. *See* ECF No. 50.

Plaintiffs and Defendants have been communicating with respect to the implementation of the Court's order granting a preliminary injunction. The parties are cooperatively working through several issues and, at this time, there is no need for action from the Court.

A. Reinstatement of Union-Represented Employees

On July 8, the day after the Court's preliminary injunction order, and at Defendants' request, Plaintiffs provided Defendants a list of AmeriCorps Employees Union, Local 2027, bargaining unit members. Defendants represented to the Court later that day that AmeriCorps would rescind reduction-in-force (RIF) notices to affected employees by 5:00 PM Eastern Time on Friday, July 11, 2025.

Two days later, on July 10, Defendants notified Plaintiffs that they would not officially rescind RIF notices until Friday, July 18, and would instead communicate to staff on July 11 that the agency was in the process of rescinding its previously-issued RIF notices. Plaintiffs objected

to this delay and requested to meet and confer with Defendants, which occurred on July 14. During the meet and confer, Plaintiffs reiterated their objection, and Defendants assured Plaintiffs that the RIFs would definitively be rescinded by July 18. Defendants confirmed as much in writing today, July 16, via email to Plaintiffs stating:

As written confirmation of what Defendants conveyed in our call on Monday, AmeriCorps will rescind RIF notices to the Local 2027 bargaining unit by end of day, Friday, July 18. The delay from the originally represented rescission date of July 11 is due to the agency's need to prepare for staff return, desire to include in the rescission a timeframe for staff return to active duty, and ensuring the agency has as accurate of a list as possible of those whose RIF notices will be rescinded.

AmeriCorps and DOJ do not presently have any plans to file a stay or reconsideration motion, and even if that changes, would not delay the RIF rescission of Local 2027 bargaining unit members beyond July 18 for any reason while the injunction is in effect, including to await the resolution of such a motion.

Given Defendants' written representation that RIF notices issued to Local 2027 bargaining unit members will be rescinded no later than July 18, there is no need for Court intervention at this time. However, Plaintiffs reserve the right to seek enforcement of the Court's order on an emergency basis if RIF notices have not, in fact, been rescinded by July 18.

B. Reinstatement and Restoration of all NCCC Projects, VISTA Programs, and AmeriCorps Grants, Subgrants, Contracts, and Funding to Plaintiffs

Regarding the reinstatement and restoration of all NCCC projects, VISTA programs, and AmeriCorps grants, subgrants, contracts, and funding to Plaintiffs, Plaintiffs are awaiting an update from Defendants on the Office of Management and Budget's (OMB) release of congressionally appropriated AmeriCorps funding for the 2025 fiscal year. Plaintiffs are also awaiting confirmation from Defendants that all of plaintiff NCAN's member organizations have been notified that they are able to draw down funds pursuant to their AmeriCorps grants. No Court action is necessary at this time, although Plaintiffs may follow up if these confirmations are not

provided in a timely manner.

First, at least one Nonprofit Plaintiff has received notification that its 2025-26 AmeriCorps grant has been awarded “pending release of FY 2025 appropriated dollars.” Without further information, Nonprofit Plaintiffs have been unable to determine whether fiscal year 2025 funds will flow for their recompetes grants, as is required by this Court’s order. Defendants have indicated that they will provide an update as to the timing of the release of appropriated funds as soon as possible. This issue is currently being briefed in *Maryland v. Corporation for National & Community Service*, No. 1:25-cv-1363 (D. Md. June 8, 2025).

Second, Defendants represented to Plaintiffs during the July 14 meet and confer that all Nonprofit Plaintiffs should now be able to draw down funds pursuant to their restored AmeriCorps grants, but that because plaintiff NCAN is not itself a grantee, but rather a membership association of multiple grantees, it would not have received direct notification from AmeriCorps that the agency had informed NCAN’s members that their VISTA programs, grants, subgrants, contracts, and funding have been restored. On July 15, Plaintiffs provided Defendants with a complete list of NCAN’s members to ensure all members would be informed of their funding restoration. Plaintiffs await confirmation from Defendants that all of plaintiff NCAN’s members have been informed of their ability to draw down funds. To the extent that Plaintiffs do not receive a response by July 18, 2025, Plaintiffs may seek further relief from the Court.

C. Restoration of Plaintiffs J. Doe 1, J. Doe 2, and J. Doe 3

Regarding the individual plaintiffs J. Doe 1, J. Doe 2, and J. Doe 3, Plaintiffs are awaiting confirmation that they each have received either credit for their service or have been restored to service separate and apart from this litigation, which would obviate the need to provide their identities to Defendants. No action is required from Defendants at this time.

During the July 14 meet and confer, Defendants represented that they are providing demobilized NCCC participants with either the remainder of their living allowance, daily food allowance, and Education Award that they would have received had they finished their term of service, or an opportunity to return to service. Plaintiffs are in the process of confirming that J. Doe 1 and J. Doe 2 have received this choice. With respect to J. Doe 3, Plaintiffs are in the process of confirming whether they were able to return to service as a VISTA participant.

Dated: July 16, 2025

Respectfully submitted,

/s/ Norman L. Eisen

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* Admission for application or pro hac vice forthcoming